CITY OF
WALNUT
CREEK

September 18, 2006

Judy Zavadil
East Bay Municipal Utility District
Mail Slot 701
375 Eleventh Street
Oakland, CA 94607-4240

RE: Response to Draft Environmental Impact Report for the East Bay Municipal Utility's District Water Treatment and Transmission Improvements Program

Dear Ms. Zavadil:

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report ("EIR") for the EBMUD Water Treatment and Transmission Improvements Program. While we understand the need for this project, the EIR is seriously deficient, particularly in its lack of analysis of the potential environmental impacts of the New Leland Pressure Zone Reservoir (the "New Reservoir") and changes to the Walnut Creek Water Treatment Plant. Our specific comments are discussed below.

One general concern is that the EIR shows little sensitivity to the value of open space resources adjacent to the proposed New Leland Pressure Zone Reservoir. The City of Walnut Creek acquired this rapidly diminishing open space to preserve it in its natural state for the protection of natural habitats and the enjoyment of generations to come. Its acquisition occurred as the result of a remarkable grass-roots effort by local citizens in the early 1970's to adopt a ballot measure taxing themselves to raise funds for the acquisition of this and other open space. Many neighboring residents supported the tax and/or purchased their homes with the knowledge that the area would remain publicly-owned open space for all time. Many others who don't live nearby nevertheless supported the tax in order to see the open space preserved. Unfortunately, the EIR shows no appreciation for the importance of the open space, instead treating it as though it is an unused resource that can casually be used for construction activities without serious consequence.

Regarding another general concern, please explain why changes are needed at the Walnut Creek Water Treatment Plant in light of the recent expansion of that Plant. The EIR for the recent expansion stated that it was needed to resolve existing deficiencies and to provide greater capacity to serve the Walnut Creek area. EBMUD emphasized at the time that this was the primary reason for the project, rejecting suggestions that the reason

for the project was to provide capacity to serve the Dougherty Valley/Tassajara Valley/San Ramon Valley areas. However, the current EIR states that the purpose of the project is in part to address existing capacity deficiencies in the Walnut Creek area (see e.g. p. 2-14.). Please explain this inconsistency.

The previous project also included installation of a new pipeline within Lacassie Blvd. North California Blvd. and Main St. in Walnut Creek, among other locations. The current project proposes to install another pipeline and/or valves within the same streets. Please explain why the previous work was not sufficient. Also, the EIR indicates that when this work is finished, the roadways will be re-graded and resurfaced (p. 2-77). Please explain what sections of these streets will be regraded and resurfaced.

The EIR improperly analyzes the New Leland Pressure Zone Reservoir as a "program-level improvement" without analyzing the specific environmental impacts of this element of the project and without providing specific mitigation measures. A program EIR is appropriate "in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program ..." (CEQA Guidelines section 15168(a)(3).) The proposed New Leland Pressure Zone Reservoir does not fit within this definition of a program, as opposed to a project. The proposal is not to establish general criteria for a new reservoir; the proposal is to construct a very specific reservoir in a very specific location, with no alternatives listed. Accordingly, the New Reservoir must be analyzed as a project-level improvement.

Even if the New Reservoir could properly be considered a program rather than a project, CEQA does not permit an agency to defer detailed environmental analysis simply by labeling proposals a "program". The EIR repeatedly indicates that project elements labeled "program-level improvements" are being analyzed at a lower level of detail than are the project-level improvements. This is not permitted under CEQA. "Calling [a proposal] a 'program' does not relieve [an agency] from having to address the significant effects of that project." Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182. Accordingly, the EIR should be revised to include a detailed analysis of the proposed New Reservoir.

The EIR also analyzes certain "program-level improvements" at the Walnut Creek Water Treatment Plant at a very general "program level". For the same reasons discussed above, the EIR should be revised to include a detailed analysis of all proposed improvements at the Walnut Creek Water Treatment Plant.

The EIR lists four options for construction traffic access to the New Reservoir site. (See p. 2-86.) Please describe in detail the construction needed to provide each of these access routes, including width, surface materials, retaining walls, grading, fencing and post-project remediation. Also, please identify the environmentally superior alternative as required by CEQA.

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The EIR should also discuss whether Options A and B are feasible in terms of the District's ability to obtain authority from Walnut Creek to pursue these options. While the City Council has not yet reviewed these options, City staff is strongly opposed to both of these options. Option A would require use of Rudgear Drive by many construction trucks. Rudgear Drive, with its pavement, steep slopes, and sharp curves, simply is not engineered to handle this type of traffic. Due to weight limits, this use of Rudgear Drive would require approval from the City's Engineering Division, which is unlikely given staff's position. Option B would require traveling an extensive distance through Sugarloaf Ridge Open Space, which would require permission from the City's Open Space Division. Again, it is unlikely that the City would grant this permission. It is also unlikely that the District would be able to acquire access rights through eminent domain, as it is likely that a court would find that the City's use is a more necessary use, particularly given that the District has other options.

The EIR determines that the New Reservoir would not have any significant land use impacts. (See p. 3.2-20 – 21.) However, construction activities occurring within 60 feet of existing residential areas would certainly disrupt the existing community, as would routing construction traffic through the existing community and over three residential properties as proposed in Option A. The project would also potentially disrupt grazing uses of Sugarloaf Open Space. While construction is temporary, that does not make the construction-related impacts insignificant, particularly if Options B or C are used for construction access. The EIR also suggests that impacts on recreational use of Sugarloaf Open Space are insignificant because recreation users can go elsewhere and it is unlikely that those other areas will become overcrowded. This is a nonsensical justification, not unlike saying that a chemical plant spewing out deadly chemicals doesn't have a significant impact on neighbors because they can always move elsewhere and that it is unlikely that those other areas will become overcrowded. The impact on Sugarloaf Open Space users will be significant regardless of whether they will choose to go elsewhere.

The EIR indicates that the visual impacts of the modifications at the Walnut Creek WTP will be less than significant after mitigation. (See p. 3.3-27.) The first bullet in Mitigation Measure 3.3-2a indicates that the District will implement a landscaping plan prepared for the Walnut Creek WTP. However, the only plan included in the EIR is a one-page "conceptual" plan. Please provide details of the plan. Please indicate in particular the size and species of plant materials and an estimated growing time before the plants will provide the screening shown in the photo simulations. Further, the second bullet in Mitigation Measure 3.3-2a indicates that each project will include planting vegetation "and/or" constructing earth berms. Will any earth berms be constructed at the Walnut Creek WTP?

The EIR indicates that the New Reservoir would have significant visual impacts, and that mitigation measures "including careful facility siting, backfilling, site restoration, aesthetic color treatment and appropriate landscaping" could reduce these impacts. Please specify in detail these mitigation measures and discuss the extent to which they would reduce the impacts. Also, please discuss in detail the visual impacts that will be

caused by the construction of the four access options as well as any mitigation measures that would reduce the impacts. This analysis should include, but not be limited to, plans to remove access roads and restore the area following completion of construction of the project.

The EIR concludes without any analysis that with implementation of Mitigation Measure 3.4-1, the impacts of the New Reservoir would be less than significant. (See p. 3.4-35.) Please provide the same level of analysis of geology, soils and seismicity related to the New Reservoir as was provided for the "project-level improvements". Further, Measure 3.4-1 is inappropriate under CEQA, as it simply defers performing site-specific geotechnical evaluations without any knowledge at the time of project approval that impacts can be mitigated. Please include this evaluation in the EIR for the New Reservoir. Please also analyze the impact of grading for the New Reservoir on the slope stability for adjacent residences. Further, please analyze the geotechnical impacts of constructing each of the proposed access routes.

The EIR states that construction of the New Reservoir and access roads "could" result in the removal of protected trees, the disruption of water-associated features, impacts on special-status plants and wildlife and disturbance of migratory wildlife corridors. (See p. 3.6-74.) Please analyze in detail all of these potential impacts, as it is insufficient under CEQA to simply say that it could have these impacts. Regarding trees, please note that the EIR incorrectly states Walnut Creek's definition of a protected tree (see p. 3.6-22) – while this is the correct definition of a highly-protected tree, most other trees with a circumference of 28 inches or more are also protected trees. Also, please discuss potential mitigation measures for all of the foregoing impacts. Further, the EIR only discusses the impact of the New Reservoir on migratory wildlife corridors while ignoring the impact of the access roads. Please analyze the latter impacts.

The project description indicates that Leland Pipeline construction includes pipeline construction on Lacassie Blvd. and North Main St., as well as closing a valve on N. California Blvd. However, the traffic section of the EIR only discusses impacts on Lacassie. Please discuss the construction-related activities on North Main St. and N. California Blvd. Please discuss the estimated time to complete construction on all three streets.

The EIR indicates that construction traffic related to the New Reservoir would be significant, but doesn't include any detailed analysis of that impact. (See p. 3.8-25.) Please discuss in detail the traffic and circulation impacts associated with construction of the New Reservoir, including the number of trips per day, the duration of the construction period, and the impacts on traffic, circulation and levels of service at each impacted intersection, together with other potential mitigation measures.

The EIR indicates without any analysis that construction of the New Reservoir would cause significant noise impacts unless mitigated. (See p. 3.10-54.) Please quantify these noise impacts. The EIR further indicates that a temporary noise barrier "would likely be

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adequate" to reduce noise to less-than-significant levels. Please provide specific information about the noise barrier, including location, size and materials. Please quantify the extent to which this noise barrier would reduce noise.

The same page of the EIR states that "[t]here are no specific truck volumes estimated for this project..." CEQA does not permit the District to avoid estimating the amount of truck traffic. Please specify the truck volumes, including numbers of truck and duration of truck traffic. Please quantify the noise impacts of this truck traffic using each of the access routes. In addition, access Option A indicates that construction traffic would be routed through three residential properties. Please indicate where and how close to residences this route would be located.

The same page of the EIR also indicates that there is a potential for vibrations that would annoy the closest residences and school receptors (presumably Murwood Elementary). Please provide details about the extent to which these vibrations would occur and for how long. Further, while the EIR states that performance standards would likely preclude damage to structures, the EIR does not address ways to mitigate the impact of the noise and vibration on school operations.

During the previous project at the Walnut Creek Water Treatment Plant, City staff commented on the concern regarding the addition of impervious surfaces at this site because it drains to an impacted drainage area and an area in a 100-year flood zone. An analysis of post-construction drainage impacts should be conducted. Additionally, work at this site is subject to the City, State, and Federal Clean Water Regulations.

Additionally, we want to clarify that the EIR needs to address the following concerns related to the proposed New Leland Pressure Zone reservoir on the Caltrans property near Rudgear Road and its access roadway:

1. The EIR is inadequate in that there is no analysis of the visual quality impacts that would result from the construction of the Leland Pressure Zone reservoir, nor any plans or drawings for this portion of the project. There are still several concerns that the City has been able to identify with regard to visual impacts. Specifically, this reservoir has the potential to significantly alter the shape and form of the hillside, which is in a highly visible location immediately adjacent to a City owned open space area (Sugarloaf Open Space) and a State designated scenic highway (Interstate 680). Additionally, the project only calls for the partial burial of the proposed reservoir, which may result in additional visual quality impacts.
2. The proposed modifications to the Walnut Creek Water Treatment Plan (WTP) are located in a location that is highly visible from the surrounding residential neighborhoods that are already impacted by the existing facility, as well as a City owned open space area (Acalanes Ridge Open Space). The proposed concrete buildings lack any architectural treatment and instead rely on landscaping to hide their appearance. This is an insufficient response to the visual quality impact that

will be created by the new buildings. The new buildings should be redesigned so as to be visually attractive in their own right, and consistent with the surrounding neighborhood.

3. The impact analysis for the New Leland Pressure Zone Reservoir is inadequate due to the lack of project specific information, including but not limited to the specific truck volumes anticipated for the project. Furthermore, it is unacceptable to state that the "short-term maximum noise increases could be maintained at a less-than-significant level with appropriate staging and planning," when the projected truck volume is expected to reach up to 100 trucks per hour (one truck every 36 seconds) with no specific information regarding the proposed staging of truck traffic has been provided.
4. The alternatives analysis for the New Leland Pressure Zone Reservoir does not include a no-project alternative specifically for the reservoir, nor does it include any feasibility of upgrading the existing reservoir while being kept in service, or the construction of a replacement reservoir adjacent to the existing location. There is no discussion of the interrelation between the North Calaveras fault and the location of the proposed reservoir. Additionally, the figure contained within "Appendix J" does not show the full extent of the Leland Pressure Zone, and therefore does not provide an adequate amount of information to analyze the possible range of alternative locations. Furthermore, there is no discussion as to why there are no other possible sites that have been considered, nor is there any specific geotechnical analysis at the exact location of alternative site 7 beyond the general statement that "there are five mapped landslides on the property" (with no comparison of similar geotechnical issues on the other sites).
5. The alternatives analysis for the New Leland Pressure Zone Reservoir does not include any analysis of the four listed alternatives for the access road. Furthermore, the project description does not explain why Option C (an access road connecting directly to I-680) cannot accommodate outbound traffic.
6. Finally, there are concerns regarding the construction impacts to the open space environment during construction. To address this concern and potential impact, no permission will be granted to allow material deliveries, dirt off-haul, or lay down areas through the open space area. The City would prefer that Route C (access road connecting directly to I-680) be used as the primary access route to the New Leland Pressure Zone construction site.
7. The open space areas adjoining the New Leland Pressure Zone reservoir were purchased using funds collected by an assessment and cannot be sold without public approval; requiring a two-thirds vote of the public.

After a comprehensive review of the Draft EIR, City staff has also identified several specific changes that need to be incorporated into the Draft EIR document:

1. Table S-10, subsection 3.8: Eliminate the language "to the extent feasible (5th bullet point)" and "to the extent possible (6th bullet point)" and replace with "Unless otherwise approved by the local agency."

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2. Table S-10, subsection 3.8, bullet point 7: This bullet point is not acceptable; two-way traffic shall be maintained at all times, unless approved by the local agency. In addition, any parking elimination and closures are also subject to local agency approval. If the parking is metered, than the local agency shall be compensated for any lost metered revenue for every day parking spaces are eliminated.
3. Table S-10, subsection 3.8, bullet points 8-10: Add, "As approved by the local agency."
4. Table S-10, subsection 3.8, bullet point 15: Eliminate language "to the extent feasible."
5. Two additional bullet points should be added to Table S-10, subsection 3.8:
   -Lane closures are only permitted during the approved work hours, as specified by the local agency, unless otherwise approved.
   -In high traffic areas, work will be scheduled during lower traffic volume periods, such as at night, to minimize traffic and business impacts, as approved by the local agency.
6. Table S-10, subsection 3.9-1, bullet point 6, add language "as required by local agency."
7. Table S-10, subsection 3.9-1: Develop a complaint response protocol for dust complaints from adjoining businesses and residents, which includes car and window washing services in response to complaints.
8. Table S-10, subsection 3.10-1: Remove "special situation" from the language regarding work hours.
9. Table S-10, subsection 3.10-1, bullet point 1: Refer to local agency's general plan for daytime and nighttime noise levels.
10. Table S-10, subsection 3.10-1, bullet point 9: Develop a complaint response protocol, which includes the option for hotel accommodations if nighttime noise complaints cannot be properly mitigated.
11. Table S-10, subsection 3.10-1, bullet point 18: All underground controlled detonation will be subject to city review in relation to transport and storage of explosives, notification, vibration monitoring, and road closures.
12. Table 2-7, page 2-36: Construction of pipelines in public roadways depends on the type and location of the roadway and will be subject to local agency regulations. In regards to tunneling, work hours beyond noise ordinance regulations (outside 7:00 am - 6 pm) require an after hours work permit and additional review of conditions by local agency. Weekend work is also subject to an after hour work permit and additional review and approval by the local agency.
13. Chapter 2.6.7: In relation to construction activities, all street areas shall be restored according to the local agency requirements.

City staff would also like to emphasize that this project will be subject to the following City regulations:

1. Tree preservation provisions pursuant to Section 3-8 of the Walnut Creek Municipal Code.

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2. Noise and nuisance prohibitions pursuant to Section 4-6.2 of the Walnut Creek Municipal Code.
3. Public right-of-way encroachment regulations pursuant to Title 7 of the Walnut Creek Municipal Code.
4. Storm water management and discharge control requirements pursuant to Section 9-16 of the Walnut Creek Municipal Code and mandated by State and Federal regulations.

Walnut Creek remains interested in obtaining the information we requested in our September 21st and January 16th letters and are incorporating them as reference into this letter responding to the Draft Environmental Impact Report (EIR) for the Water Treatment and Transmission Improvements Program. (Copies attached). Many of our concerns regarding the New Leland Pressure Zone reservoir as articulated in previous correspondence have still not been addressed. We look forward to receiving the additional requested information so we can better understand and comment on the potential impacts of the project.

We also hereby incorporate by reference the questions and requests for additional information submitted by other parties regarding the EIR.

I would like to thank you again for this opportunity to be involved in the Draft EIR planning process. We look forward to working together with EBMUD on drafting an Environmental Impact Report that addresses both construction related and permanent impacts caused by your proposed improvements.

Sincerely,

Rachel Lenci
Engineering Services Manager

cc: Gary F. Pokorny, City Manager
Valerie Barone, Community Development Director
Paul Valle-Riestra, City Attorney

CITY OF
WALNUT
CREEK

Comment Letter WC

WATER DISTRIBUTION
SEP 26 2005
PLANNING DIVISION

September 22, 2005

Mr. Jason Munkres
Associate Planner
East Bay Municipal Utility District
375 Eleventh Street (Mail Slot 701)
Oakland, CA 94607-4240

RE: Response to Notice of Preparation for the Water Treatment and Transmission Improvements Program

Dear Mr. Munkres:

Thank you for giving the City the opportunity to comment on your proposed program. City staff is very interested in participating in this process and look forward to working with you during this effort.

City staff has the following basic questions after reviewing the notice of preparation.

1) The notice of preparation covers two alternatives, both of which will require improvements to the Walnut Creek Water Treatment Plant. The City's residents were looking forward to the completion of work at the plant and now will again be impacted with the proposed project. Please explain why these improvements were not anticipated or accommodated with the recent expansion project at this facility and covered with the previous Environmental Impact Report.

2) It has been explained to staff that a new tank must be added in Walnut Creek to provide seismic reliability and alleviate pressure zone issues in the existing system. What other alternatives exist to achieve these goals?

3) Why are some elements of the proposal anticipated to be studied at a project level while others will be studies at a program level? A sequence of work should be incorporated within the Environmental Impact Report so that staff can understand and analyze the magnitude and duration of the anticipated impacts.

City staff has the following concerns that should be incorporated into the analysis conducted as part of your environmental process.

1) There are concerns regarding the visual impacts associated with the new facilities. To address this concern and impact, all facilities should be constructed underground, not bermed.

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tel 925.943.5800 *www.ci.walnut-creek.ca.us*

2) There are concerns regarding the construction impacts to the open space environment during construction. To address this concern and impact, no permission will be granted to allow material deliveries, dirt off-haul, or lay down areas through the open space.

3) There are concerns regarding construction related traffic impacts on City streets and Caltrans facilities. To address this concern and impact, tunneling should be utilized instead of open trenching on arterials and collectors. Additionally, hauling of materials to and from the site should be scheduled to avoid the commute hours.

City staff would also like to emphasize that this project will be subject to the following regulations:

1) Tree preservation provisions pursuant to Section 3-8 of the Walnut Creek Municipal Code.

2) Noise and nuisance prohibitions pursuant to Section 4-6.2 of the Walnut Creek Municipal Code.

3) Public right-of-way encroachment regulations pursuant to Title 7 of the Walnut Creek Municipal Code.

4) Storm water management and discharge control requirements pursuant to Section 9-16 of the Walnut Creek Municipal Code and mandated by State and Federal regulations.

As more information is provided on the various components of the project, City staff will make comments and suggest mitigation measures in these and other areas such as aesthetics, biological resources, impacts to utility systems, hydrology and water quality, noise, recreation, air quality, geology and soils, land use and planning, and traffic and transportation.

I would like to thank you again for this opportunity and look forward to working together on drafting an Environmental Impact Report that addresses both construction related and permanent impacts caused by your proposed improvements.

Sincerely,

Mike Parness
City Manager

cc: Walnut Creek City Council

CITY OF WALNUT CREEK

WATER DISTRIBUTION
JAN 14 2006
PLANNING DIVISION

January 16, 2006

Judy Zavadil
East Bay Municipal Utility District
Mail Slot 701
375 Eleventh Street
Oakland, CA 94607-4240

RE: Response to Revised Notice of Preparation for the Water Treatment and Transmission Improvements Program

Dear Ms. Zavadil:

Walnut Creek remains interested in obtaining the information we asked for in our September 21st letter and are incorporating it as reference into this letter responding to your revised notice of preparation. (Copy attached).

Additionally, we want to clarify that the EIR needs to address the following concerns related to the proposed new tank and its access roadway on the Caltrans property near Rudgear Road:

1. View impacts need to be analyzed and mitigated. Views from the public roads as well as surrounding residential neighborhoods should be addressed. Include in your view analysis impacts that result from topography changes (cut/fill, road, tank pad, etc.), construction of new structures and changes in vegetation.

2. Construction impacts (traffic, noise, dust, etc.) should be fully analyzed and minimized or mitigated.

3. Issues of slope stability and drainage due to any topography changes, construction of new structures and changes in vegetation need to be addressed.

As we stated in our previous letter, the City will make comments and suggest mitigation measures as more information on the various components of the project become available.

Sincerely,

Rachel Lenci
Engineering Services Manager

cc: City Manager
Community Development Director
Senior Assistant City Attorney

2.10 Rachel Lenci, City of Walnut Creek

Please note that the New Leland Pressure Zone Reservoir is examined at program level of detail in the WTTIP EIR. EBMUD is committed to engaging in a project-level EIR at an appropriate date in the future. Refer to Section 2.1.6, Master Response on the New Leland Pressure Zone Reservoir Alternatives, for more information.

WC-1 The comment states that the EIR is deficient based on the issues identified by the commenter in comments WC-2 through WC-67. EBMUD addresses those specific issues below.

WC-2 EBMUD is very sensitive to the value of open space and considered this in developing the New Leland Pressure Zone Reservoir alternatives. Part of the District's mission statement is to preserve and protect the environment for future generations while providing high quality potable water. Siting criteria for the New Leland Pressure Zone Reservoir (namely, elevation requirements and the District's desire not to displace developed land uses such as residences) constrains potential locations for the tank mainly to hillside, open space areas (see map in DEIR Appendix J). As described on DEIR pp. 6-65 and 6-66, three out of the seven sites considered for the tank were eliminated because they are on open space owned by the City of Walnut Creek. Notwithstanding, EBMUD has successfully mitigated similar projects. Thus, EBMUD believes that open space functions and fully buried tanks can coexist, although construction impacts must be considered. As discussed in Section 2.1.6, Master Response on the New Leland Pressure Zone Reservoir Alternatives, EBMUD will undertake a full alternatives analysis in a future project-level EIR on this project.

WC-3 There is no inconsistency. Both projects attempt to address existing deficiencies and demand growth inside our service area, which includes the San Ramon Valley. The current project addresses existing deficiencies that were not known during the development and implementation of the Walnut Creek-San Ramon Valley Improvements Project. For more information regarding these deficiencies, see **Response WC-58**.

WC-4 As stated in **Response WC-3**, the current project addresses existing deficiencies that were not known during the development and implementation of the Walnut Creek Water Treatment Plant Improvements Project. EBMUD would regrade and repave a 700-foot-long, approximately three-foot-wide section of Lacassie Avenue excavated during trenching for the pipe (see Appendix B, DEIR p. B-27).

WC-5 The comment asserts that the New Leland Pressure Zone Reservoir is not appropriate for analysis at a program level. Please see Section 2.1.1, Master Response on the Program- and Project-Level Distinctions, which describes why certain elements were analyzed at a programmatic level of detail in the WTTIP EIR. CEQA accommodates

projects of differing scope within the provisions addressing program EIRs. This can include individual, but related activities that are logical to discuss in a single document.

The DEIR provides an appropriate program-level analysis of the New Leland Pressure Zone Reservoir on the following pages:

- Pp. 2-85 through 2-86 (description of New Leland Pressure Zone Reservoir element, including four options for construction access)
- Pp. 3.2-20 through 21 (analysis and mitigation of land use impacts), 3.3-49 to 50 (analysis and mitigation of visual quality impacts)
- P. 3.4-35 (analysis and mitigation of geology, soils, and seismicity impacts)
- Pp. 3.5-49 through 50 (analysis and mitigation of hydrology and water quality impacts)
- Pp. 3.6-73 through 75 (analysis and mitigation of biological resource impacts)
- Pp. 3.7-33 (analysis and mitigation of cultural resource impacts)
- Pp. 3.8-24 through 25 (analysis and mitigation of traffic and circulation impacts)
- Pp. 3.9-34 through 35 (analysis and mitigation of air quality impacts)
- Pp. 3.10-53 through 54 (analysis and mitigation of noise and vibration impacts)
- Pp. 3.11-40 through 41 (analysis and mitigation of hazards and hazardous materials impacts)
- Pp. 3.12-22 (analysis and mitigation of public services and utilities impacts)
- Chapter 4 (growth-inducement potential and secondary effects of WTTIP project, including all program-level elements)
- Chapter 5 (cumulative impacts of WTTIP project, including all program-level elements)
- Pp. 6-65 through 6-66 (explanation of why alternative sites were not analyzed further)

As noted in the DEIR (Sections S.3.1, S.6, 2.7, and 3.1.4), more detailed environmental review under CEQA will be required before the New Leland Pressure Zone Reservoir project (and other WTTIP projects discussed a program level of detail) may be implemented.

As the comment notes, the DEIR does not discuss alternatives, other than alternative sites eliminated from further analysis (pp. 6-65 through 6-66), for this element. While a limited number of feasible sites have been identified to date based on geographic and

other site constraints, a full alternatives analysis, including an evaluation of the no-project alternative, and any identified sites, including new sites that may be identified will be conducted at the appropriate time by EBMUD as part of the future project-level EIR.

For purposes of this analysis, the identified range of alternative sites for the New Leland Pressure Zone Reservoir element of the WTTIP project was limited. The DEIR (pp. 6-65 through 6-66) identified seven prospective alternative sites for the New Leland Reservoir, but six of these alternatives – all except Site 3, the proposed site – were eliminated from further review based on infeasibility or inability to meet most of the project's basic objectives. Given feasibility constraints, this analysis complies with CEQA, particularly with respect to this program-level element. As noted in Section 2.1.6, Master Response on New Leland Pressure Zone Reservoir Alternatives, in this Response to Comments document, all sites will be evaluated in the project-level EIR.

The WTTIP EIR provides the required CEQA information concerning the alternative identified as preferred and other identified alternatives based on the level of detail available to EBMUD to date. With respect to the DEIR's discussion of alternative sites, please see **Response ORIN-115**, which outlines CEQA requirements for alternative site analysis and how the DEIR complies with these requirements. EBMUD has attempted to forecast with respect to impacts where possible, but it is not possible to foresee certain impacts until the program-level elements become more defined. Please also refer to Section 2.1.1, Master Response on Program- and Project-Level Distinctions.

WC-6 CEQA permits the level of review utilized in the WTTIP EIR for program-level elements, including the New Leland Pressure Zone Reservoir. Refer to **Response WC-5** and Section 2.1.1, Master Response on Program- and Project-Level Distinctions for additional response pertinent to this comment.

WC-7 Please see **Response BM-7** which explains the potential future need for High-Rate Sedimentation Units and Ultra-violet Light Disinfection processes at the District's in-line filtration water treatment plants (Walnut Creek, Lafayette, and Orinda). The DEIR also identifies the types of activities and includes maps showing tentative locations of the UV Disinfection building and high rate sedimentation units. CEQA permits the level of review utilized in the WTTIP EIR for program-level projects, including the program-level improvements at the Walnut Creek WTP, as explained in **Response WC-5**, above, and the responses referenced therein. Please also refer to Section 2.1.1, Master Response on Program- and Project-Level Distinctions for additional response pertinent to this comment.

WC-8 The DEIR does not include the requested detailed description and detailed analysis of construction traffic access and identification of the environmentally superior options, because the information requested in this comment (e.g., roadway widths, grading,

retaining walls, post-project mediation) has not been developed in sufficient detail to support project-level evaluation and comparison. Only general comparisons of environmental trade-offs among the alternative routes can be made based on currently available information:

Option A:

- Requires more truck trips through narrow residential streets relative to other options.

Option B:

- Has the longest haul route traveling through the open space area, and on narrow (privately owned) streets off of Livorna (although the narrow stretch is shorter than Option A), and would displace use of the Bottom Spring Trail for the duration of construction

Option C:

- With respect to travel through residential areas, this option would reduce the number of truck trips on residential streets. Potential impacts to natural resources occurring in the open space (e.g., removal of protected trees, habitat impacts) could occur.

Option D:

- Although this option would reduce truck trips through residential areas, there would be more earthwork required for the site access, the type of equipment used to haul materials to the site would differ (track-mounted equipment would be used), and as a consequence, construction would likely last longer.

A more in-depth and detailed analysis at this point would be speculative. The District is not relying on the WTTIP EIR to approve the reservoir site or any of the potential access routes to the reservoir site. EBMUD has committed to conduct a project-level EIR at the appropriate time in the future. Such review would occur when this program-level element has been further defined and a more specific analysis becomes feasible. As explained in **Response WC-5**, and the responses referenced therein, the level of detail provided in the WTTIP EIR is adequate and appropriate for a program EIR and a subsequent project-level EIR will include a more detailed analysis.

WC-9 The District acknowledges that the City of Walnut Creek is an important landowner with whom it would need to negotiate to obtain permission to use the Sugarloaf Open Space for either Option A or B. Rudgear Drive, however, is a public right-of-way which is available for public use, although the District would seek to address any issues raised by the City. Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.

WC-10 See DEIR p. 3.2-14. The land use significance criteria include consideration of whether the proposed project would physically divide an established community, convert

farmland or otherwise result in farmland impacts, increase the use of recreation facilities such that physical deterioration would occur, or include new recreation facilities whose construction might have an adverse environmental impact. The DEIR (pp. 3.2-20 through 3.2-21) indicates that, on the basis of information currently available on this program-level element, the tank would likely be a relatively compact facility and would not likely disrupt or divide the existing community, or have any of the other effects described above.

The impacts likely to disturb residents near the reservoir site and along the haul route would be primarily related to traffic and noise. The DEIR addresses these impacts not in Section 3.2, but in Section 3.8, Traffic and Transportation, and Section 3.10, Noise and Vibration. Both sections indicate that, on the basis of the project as currently defined, mitigation would be needed to reduce traffic and noise impacts associated with project construction.

WC-11 As described on DEIR p. 3.2-20, the New Leland Pressure Zone Reservoir site identified in the DEIR and adjacent areas are designated as Urban and Built-up Lands. There are no agricultural resources within the site; however, there are Important Farmland Maps Grazing Lands in the project vicinity, adjacent to the Sugarloaf Open Space. If the New Leland Pressure Zone Reservoir is located at this site, it is not expected that it would significantly affect grazing, as any construction-related impacts would be temporary. However, this issue would be further evaluated in a project-level EIR upon development of site-specific details.

WC-12 The comment states that "while construction is temporary, that does not make the construction-related impacts insignificant." Refer to **Responses WC-10** and **WC-11**.

WC-13 See DEIR p. 3.2-14. The land use significance criteria include consideration of whether the proposed project would physically divide an established community, convert farmland or otherwise result in farmland impacts, increase the use of recreation facilities such that physical deterioration would occur, or include new recreation facilities whose construction might have an adverse environmental impact. Based on the criteria, the DEIR considers potential recreation-related environmental impacts, such as physical deterioration of a recreation resource, or potential environmental impacts associated with construction or rehabilitation of recreation facilities. The proposed reservoir includes potential construction access routes that could be located within portions of Sugarloaf Open Space, including potential use of the Bottom Spring Trail. Access through the open space could disrupt use of or require closure of segments of the trail or other areas of the open space during construction. In addition, reservoir construction would result in noise, dust, and construction traffic that could further impact use of the Sugarloaf Open Space. However, the proposed project would not require closure of large areas of the open space and for the most part, use of the open space would continue as under existing conditions. In addition, the full use of the recreation area would be restored following construction. The proposed project would

not likely result in large numbers of recreation users diverting to other areas of the open space or to other recreation areas, resulting in overuse of those areas and associated environmental impacts resulting from physical deterioration of resources. In addition, the proposed project would not result in construction or rehabilitation of recreation facilities. Therefore, on the basis of information currently available on the identified site and subject to confirmation after project-level EIR analysis, including review of other alternatives, construction of this project component at the identified site is expected to result in a less-than-significant impact on recreation resources.

WC-14 The landscaping plan provided in the DEIR as part of the Visual Quality figures following Section 3.3 is representative, and based on the landscaping planted for the recently completed project at the WTP. Measure 3.3-2a (DEIR p. 3.3-35) indicates that community representatives and the City will have input on final landscape plans. Table 3.3-3 (DEIR p. 3.3-20) presents a representative plant palette and indicates container size and plant height at five years. The simulations (Figures 3.3-WCWTP-6 and 3.3-WCWTP-8 at the end of Section 3.3 of the DEIR) depict the landscaping at five years' maturity. No earthen berms are proposed for Walnut Creek WTP.

WC-15 The DEIR does not include the requested analysis regarding a detailed description and analysis of visual impacts and proposed mitigation measures, because it is not possible to conduct this analysis at this time. The analysis of visual quality is particularly sensitive to design details, and simulations are developed through computer modeling of drawings indicating topographic changes in plan view and cross-section, elevations for the tank and appurtenant features, and details such as fencing, valve box location and other features. that have yet to be determined. In other words, a more in-depth and detailed analysis at this point would be speculative. EBMUD has committed to perform a project-level EIR at the appropriate time in the future. Such review would occur when this program-level element and alternatives have been further defined and a more specific analysis becomes feasible. As explained in **Response WC-5**, and the responses referenced therein, the level of detail provided in the WTTIP EIR is adequate and appropriate for a program EIR.

WC-16 Consistent with CEQA requirements, the DEIR identifies potentially significant impacts associated with the New Leland Pressure Zone Reservoir, a program-level element, based on the information currently available on that project. A more in-depth project-level EIR will be conducted at a later date. The DEIR and supporting information conclude that impacts related to geology, soils and seismicity could be mitigated to a less-than-significant level. In fact, most impacts identified in an EIR can be reduced to less-than-significant levels through standard mitigation approaches[1]; this is true for mitigating geologic hazards at the identified site for the proposed tank based on information currently available on the project (e.g., topographic alterations, and

[1] As discussed on DEIR p. 3.2-50, the one project-specific unavoidable impact likely associated with the identified New Leland Pressure Zone Reservoir site, based on design information currently available, is potential adverse impacts on views.

bedrock characteristics at the site) and the mitigation strategies available to address geologic hazards.

The mitigation measures identified in Section 3.4 of the DEIR (Geology, Soils and Seismicity) provide a means to minimize the impacts relating to geology and seismicity to a less-than-significant level through standard geotechnical engineering practices. The DEIR's approach to mitigation of geological impacts is adequate under CEQA because it prescribes mitigation measures that 1) EBMUD is committed to completing; 2) are tied to specific performance standards, or desired end results of the mitigation; 3) provide a range of options, based on established industry standards, to achieve the performance standards; and in some cases, 4) are tied to a recognized guideline or established practice.

Note also that the presence of geologic hazards was an important consideration in determining feasible locations for the proposed reservoir and will continue to be considered when alternatives are examined as part of the project-level EIR (see **Response WC-34**). Two sites were determined to be fatally flawed and therefore eliminated from further consideration based on slope instabilities (Site 7) and faults (Site 5).

WC-17 The DEIR (pp. 3.6-74 and 3.6-75) analyzes potential impacts associated with the New Leland Pressure Zone Reservoir at a level of detail commensurate with the degree to which the project has been defined to date. For example, the last paragraph on DEIR p. 3.6-74 describes the vegetation habitat at the identified New Leland Pressure Zone Reservoir and Pipeline site, and indicates that some protected trees could be removed. Without details at a scale appropriate for project-level evaluation (see the D Maps at the end of Volume 1 of the DEIR), the specific location of construction footprints for all components of the project (the tank, appurtenant features such as valve box and parking area, overflow drain, access road, pipeline alignment) cannot be identified and the biologists analyzing the project cannot characterize impacts (e.g., number of protected trees to be removed) in greater detail. In other words, a more in-depth and detailed analysis at this point would be speculative.

EBMUD has committed to conduct a project-level EIR at the appropriate time in the future. Such review would occur when this program-level element has been further defined and a more specific analysis becomes feasible. As explained in **Response WC-5**, and the responses referenced therein, the level of detail provided in the WTTIP EIR is adequate and appropriate for a program EIR.

WC-18 This comment regarding protected trees is noted. The DEIR p. 3.6-22, first paragraph, is revised (refer to Section 3.2, Text Revisions, in this Response to Comments document).

WC-19 The comment requests discussion of measures to mitigate impacts to biological resources associated with the identified New Leland Pressure Zone Reservoir site. As

the DEIR indicates, the impacts identified to date for the identified site for the New Leland Pressure Zone Reservoir are based on currently available design information, and could be mitigated with measures similar to those identified under the analysis of project-level elements. These include: Measures 3.6-1a through 3.6-1e (to mitigate impacts to protected trees), Measures 3.6-2a through 3.6-2f (water-associated features), Measures 3.6-3a through 3.6-3c (special status plants), and Measures 3.6-4a through 3.6-7c (special status wildlife).

A more in-depth and detailed analysis of mitigation at this point would be speculative. EBMUD has committed to conduct a project-level EIR including an analysis of alternatives at the appropriate time in the future. The EIR will commence when this program-level element has been further defined and a more specific analysis becomes feasible. As explained in **Response WC-5**, and the responses referenced therein, the level of detail provided in the WTTIP EIR is adequate and appropriate for a program EIR.

WC-20 The concern regarding an analysis of impacts of the access roads is noted. See Section 3.2 for revisions to text on DEIR p. 3.6-75.

WC-21 The traffic impacts of the Leland Isolation Pipeline and Bypass Valves project are fully analyzed in Section 3.8 of the DEIR. The other components of the project besides the pipeline in Lacassie Boulevard and the short pipeline in Danville Boulevard will not have any traffic-related impacts. All components of the Leland Isolation Pipeline and Bypass Valves project would be completed within approximately 1 year. Please note, as stated on DEIR p. 3.8-16, the pace of open-trench work for proposed pipeline improvements in paved areas is estimated to average 80 feet per day, and the work schedule would be 8:30 a.m. to 4:30 p.m., Monday through Friday. Based on that estimated work pace, construction in front of an individual property would take approximately one or two days.

WC-22 The detailed information requested in this comment (number of trips per day, duration of construction, and attendant impacts on traffic and circulation) is consistent with the information presented in DEIR Appendix B for project-level elements. There will also be a subsequent project-level EIR for the New Leland Pressure Zone Reservoir and that analysis will include the requested details on construction traffic. This EIR would occur when the program-level element has been further defined and a more specific analysis becomes feasible. As explained in **Response WC-5**, and the responses referenced therein, the level of detail provided in the WTTIP EIR is adequate and appropriate for a program EIR.

WC-23 The DEIR does not include the requested detailed description and detailed analysis of construction-related noise impacts and proposed mitigation measures, because it is not possible to conduct this analysis at this time. Construction characteristics that affect the magnitude and significance of noise impacts include the duration of specific construction activities, types of equipment used, equipment placement relative to

topography and sensitive receptors, etc. A more in-depth and detailed analysis at this point would be speculative. EBMUD has committed to conduct a project-level EIR including a full analysis of alternatives under CEQA at the appropriate time in the future. This EIR would occur when this program-level element has been further defined and a more specific analysis becomes feasible. As explained in **Response WC-5**, and the responses referenced therein, the level of detail provided in the WTTIP EIR is adequate and appropriate for a program EIR. As noted by the commenter, the DEIR on p. 3.10-54 concludes, at a program level, that certain construction noise impacts would likely be significant even with mitigation but that other noise impacts (such as that associated with truck haul routes) could likely be mitigated to less than significant.

WC-24 Please refer to **Response WC-22**.

WC-25 Murwood Elementary School is about 1,000 feet away from the potential pipeline construction. Vibration and noise generated from construction would have a less-than-significant impact on school operations.

WC-26 As discussed in **Response ORIN-52**, under Impact 3.5-6 which addresses creation of impervious surfaces, impact significance for certain facilities has been revised to reflect the applicability of municipal stormwater permitting requirements to projects that create more than 10,000 square feet of impervious surfaces at the water treatment plants, including the Walnut Creek WTP. Refer to Section 3.2, Text Revisions, in this Response to Comments document.

In the case of the Walnut Creek WTP, the project would increase the impervious surface by 11,350 square feet under both alternatives. However, approximately 8,000 square feet of the impervious area is the construction of the filter basins which will retain rainfall and will not contribute to runoff from the site and therefore will have a less than significant impact.

Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.

WC-27 Refer to **Response WC-15**. The District agrees that the identified reservoir site has the potential to significantly alter the shape and form of the hillside in a highly visible location. The DEIR (p.3.3-50) concludes: “Implementation of mitigation, including careful facility siting, backfilling, site restoration, aesthetic color treatment and appropriate landscaping, could reduce these impacts; however, visual impacts at the site could remain significant and unavoidable.” As noted above, a project-level EIR, including an analysis of alternatives, will be conducted by EBMUD prior to implementation of this project.

WC-28 The District believes that implementation of Measure 3.3-2c (DEIR p. 3.2-36), which requires that the District “use design elements to enhance the aesthetic appearance of

proposed facilities and to integrate them with the existing visual environment" can accomplish the City's request in this comment that the new buildings be designed "so as to be visually attractive in their own right, and consistent with the surrounding neighborhood." In response to this comment, text has been added as the last bullet on DEIR p.3.2-36 (refer to Section 3.2, Text Revisions, in this Response to Comments document).

WC-29 For a discussion of the impact analysis, please refer to **Responses WC-5** and **WC-22**.

WC-30 Refer to **Response WC-23**, which explains why the programmatic level of noise analysis provided in the DEIR for the new Leland Pressure Zone Reservoir and Pipeline is appropriate.

WC-31 The DEIR Project Description (DEIR pp. 2-85 and 2-86) describes the need to replace the existing Leland Reservoir which is due primarily to capacity constraints, age, elevation, maintenance issues, and the need to construct a new reservoir (the New Leland Pressure Zone Reservoir) before the existing reservoir can be taken out of service. The problems associated with the existing reservoir limit the District's ability to upgrade it while keeping it in service (see **Response EE-4** for additional information). As noted in the Pressure Zone Planning Program Study, there is no storage in the eastern part of the Leland Pressure Zone, which leaves the area vulnerable in the event of a pipeline failure; consequently, EBMUD is therefore proposing the construction of the New Leland Pressure Zone Reservoir (a second tank) on the east side of the pressure zone to substantially improve the reliability of the level of service (flow, pressure, fire protection) to the pressure zone. Refer to **Response WC-5** regarding replacement of the Leland Reservoir at its existing site and, more generally, the District's commitment to consideration of alternatives to the New Leland Pressure Zone Reservoir in a future project-level EIR.

A full review of the no-project alternative will occur when this program-level element has been further defined and is planned to be undertaken, and a more specific analysis becomes feasible. Please also see **Response WC-59**. As explained in **Response WC-5**, and the responses referenced therein, the level of detail provided in the WTTIP EIR is adequate and appropriate for a program EIR.

WC-32 The DEIR discusses the seismicity of the region beginning on p. 3.4-4 and includes a discussion of all the major active faults of the Bay Area such as the Calaveras fault and their potential impact on all the project elements. Table 3.4-2 on DEIR p. 3.4-7 provides detailed information on each fault as well as distances to the nearest proposed project element. The proposed New Leland Pressure Zone Reservoir has been determined to be closest to the Mt. Diablo Thrust and the Marsh Creek-Greenville faults as indicated in Table 3.4-2. In addition, all the active faults including the Calaveras fault are depicted in DEIR Figure 3.4-1. Therefore, there is sufficient regional setting information appropriate for a Program Level analysis of the New Leland Pressure Zone Reservoir. Earthquakes will be considered in the design of the

proposed reservoir. The District standard practice is to meet or exceed the design force loads required by the Uniform Building Code and the American Water Works Association. In addition, as noted in **Response WC-31**, the proposal for construction of the New Leland Pressure Zone Reservoir on the east side of the pressure zone is in part to provide storage in the eastern part of the zone.

WC-33 The existing Leland Reservoir has a bottom elevation of 331 feet. The New Leland Pressure Zone Reservoir needs to have a similar bottom elevation and overflow elevation in order to maintain customer service pressures and to prevent water quality problems associate with water age. The portion of the Leland Pressure Zone that is north of area shown in DEIR Appendix J is either lower than elevation 330 feet or is in the portion of the pressure zone serviced by Grayson Reservoir, and therefore would not include feasible alternatives for the New Leland Pressure Zone Reservoir.

WC-34 In this analysis, seven potential sites were considered for the New Leland Pressure Zone Reservoir as described in Section 6.10.3 of the DEIR. Existing geotechnical data were reviewed for all seven sites. Landslides are only mentioned for site 7, because it was the only site rejected due to the presence of landslides. Water tanks are extremely heavy, so the mere presence of a potential landslide is enough to make a site unfeasible. Damages that could result from a failure, not to mention the outage of a local water source, could be very high. Site-specific geotechnical studies are not required to confirm the depth and extent of the landslide. As required by CEQA, the DEIR identifies the alternative sites considered by EBMUD and briefly explains the reasons why they were rejected as infeasible. **Response WC-5** further explains the significant constraints on selecting a feasible location which limited the sites that could be considered by EBMUD and explains that a further analysis of alternatives at a project level will be conducted at the appropriate time as part of a project-level EIR.

WC-35 The DEIR, which examines the New Leland Pressure Zone Reservoir at a programmatic level, provides a brief summary (pp. 6-65 and 6-66) of the alternatives analysis performed by EBMUD to date. The brief summary of alternative construction access routes considered by EBMUD (DEIR p. 2-86) has been included as part of a program-level discussion of the currently identified site, but *a more inclusive discussion of sites will be provided in a future project-level* EIR. In other words, as noted in **Response LG-5**, the District will revisit the site selection process in the project-level environmental documentation. The DEIR does not include the requested detailed discussion of alternatives for construction access routes, in part because of limited information about construction characteristics, and in part, because the District is not using this EIR as a basis for approving an access route.

Regarding Option C, this route is an existing access road connected directly to I-680. The road geometry prevents its use as a construction on-ramp to the freeway. Specifically, a truck would have to make a 145 degree, 20 foot radius turn at speeds

increasing to 65 mph at the bottom of the access road in order to merge with traffic. This is not a feasible alternative.

WC-36 Route C is not viable as the primary access route because it can only accommodate inbound traffic. Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment. It should be noted that one way use of Route C would require Caltrans approval which is problematic.

WC-37 This comment is noted.

WC-38 EBMUD will work in cooperation with local agencies to avoid project-generated adverse impacts on traffic flow, and will comply with conditions contained in encroachment permits obtained from those agencies. The cited phrases ("to the extent feasible" and "to the extent possible") recognize that in some cases a blanket application of a mitigation measure may not be possible. The first sentence of the fourth bullet point under Measure 3.8-1 (DEIR p.3.8-14) has been revised (refer to Section 3.2, Text Revisions, in this Response to Comments document).

WC-39 It is recognized that lane closures (and parking prohibitions if needed) are subject to approval by the local agency as part of the encroachment permit application and issuance (see **Response WC-38**). However, the 7th bullet point of Measure 3.8-1 cited by the commenter recognizes that pipeline installation in roadways using open-cut trenching could reduce the available number or width of travel lanes, resulting in short-term delays. As described on DEIR p. 3.8-16, some roadway segments affected by the project would have sufficient pavement width outside the construction zone to accommodate two-way traffic, but others would not. The provisions set forth in the 7th bullet require that, where physically possible, traffic flow past the construction zone be maintained. The first sentence of the fifth bullet point under Measure 3.8-1 (DEIR p.3.8-14) has been revised (refer to Section 3.2, Text Revisions, in this Response to Comments document).

WC-40 The sixth, seventh, and eighth bullet points under Measure 3.8-1 (DEIR p.3.8-14) has been revised (refer to Section 3.2, Text Revisions, in this Response to Comments document).

WC-41 See **Response WC-38**.

WC-42 See **Response WC-38**.

WC-43 The referenced measure, which requires daily street sweeping, is a standard dust-control measure specified by the BAAQMD, not local agencies. If a local agency has a requirement for daily street sweeping that varies from this BAAQMD requirement, it should be implemented as part of any local permit authority it maintains (e.g.,

encroachment permit). This measure, as currently stated, is adequate to reduce the potential impact to a less-than-significant level (as defined by CEQA) within the Bay Area Air Basin (BAAQMD jurisdiction), which includes all affected local agencies.

As indicated in Measure 3.8-1, the contract specifications will state that the contractor will obtain any necessary road encroachment permits prior to construction and will comply with conditions of approval attached to project implementation.

WC-44 EBMUD will implement Measures 3.9-1a, 1b, and 1c to prevent a dust problem for neighbors. As stated in Measure 3.10-1a, the District will also designate a contact person for responding to construction-related issues. The name and phone number of the liaison will be conspicuously posted at construction areas, on all advanced notifications, and on the EBMUD project website. If someone believes that their property has been damaged due to the project, then a claim should be filed; pursuant to standard District practice, any claims would be evaluated on a case-by-case basis.

WC-45 Unfortunately, there may be special situations that occur and require work outside of a jurisdiction's noise ordinance, for example, equipment operations associated with tunnel ventilation and dewatering.

WC-46 Please refer to the full text of Measure 3.10-1 on DEIR p. 3.10-30, rather than the abbreviated summary measure in Table S-10. This measure specifies that daytime construction noise shall not cause noise levels to exceed the 70-dBA speech interference criterion at the closest affected sensitive receptors, and that noise levels be consistent with ordinance noise levels listed in Table 3.10-1 (except during critical water service outages or other emergencies and special situations). Noise level limits listed in this table apply to construction activities occurring beyond the specified ordinance hourly restrictions. This table includes Walnut Creek's Municipal Code hourly restrictions (see Footnote "d"). See also revisions to Measure 3.10-1b in Section 3.2 of this Response to Comments document. Since Walnut Creek's General Plan Noise Element (dated April 6, 2006) does not include specific standards for equipment operation (except to not increase noise levels substantially), the commenter's request to add the reference "local agency's general plan for daytime and nighttime noise levels" to this measure would not be relevant to construction equipment operation and activities. General Plan noise level guidelines typically apply to the compatibility of a proposed land use with the existing or future noise environment. Noise compatibility of proposed water facilities with the existing noise environment is not an issue and impacts in this regard have been addressed.

WC-47 The District will review and respond to noise complaints on an individual basis. The option of providing hotel accommodations is one of the District's standard measures. Measure 3.10-1a, bullet 8, on DEIR p. 3.10-31 has been revised (refer to Section 3.2, Text Revisions, in this Response to Comments document).

WC-48 Comment noted. EBMUD will coordinate with the City, as well as provide adequate notice to any potentially affected neighbors prior to any controlled detonation activities that might be required; however, none are anticipated at this time. Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.

WC-49 EBMUD intends to coordinate with the City of Walnut Creek during construction of the pipelines to ensure all concerns are considered. See Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.

As noted on DEIR p. 2-36, EBMUD expects that construction of pipelines would occur within the hours of noise ordinance regulations except during critical water service outages or other emergencies and special situations. Tunneling would be undertaken in rare instances as indicated in the DEIR and local agencies would be notified and mitigation as set forth in Section 3.10 of the DEIR would be utilized. Also refer to the revisions to Measure 3.10-1b in Section 3.2 of this Response to Comments document.

WC-50 Wherever reference is made in the DEIR to restoration of roadways after pipeline work is finished, the intent is to restore the affected street areas according to ordinances as required in Section 12808 of the MUD act.

WC-51 See **Response WC-49**. See **Response AH-2** for details of the mitigation measures pertaining to protected trees included in the DEIR. These mitigation measures incorporate many of the County's, as well as local jurisdictions', permitting requirements in order to minimize impacts to heritage and otherwise protected trees.

WC-52 See **Response WC-49**. This section of the Walnut Creek Nuisance Ordinance is cited in Table 3.10-1, Footnote "d", and incorporated by reference into Measure 3.10-1.

WC-53 See **Response WC-49** as well as Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment. The necessary road encroachment permits will be obtained prior to construction.

WC-54 See **Response WC-49**. EBMUD will comply coordinate with the City of Walnut Creek and comply with state and federal water quality laws. Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.

WC-55 See responses to attached letters, below. The New Leland Pressure Zone Reservoir is a program-level element; therefore, the project requires additional study and will be subject to a subsequent project-level EIR. See **Response WC-5**.

WC-56 Comment acknowledged.

WC-57 Comment acknowledged. As noted, EBMUD is willing to work together with the City on the WTTIP implementation.

WC-58 The actual amount of water treated per day by each filter has been less than designed for in the Walnut Creek Water Treatment Plant Improvements Project due to periodic emerging source water quality problems. These include increases in turbidity in spring and early summer, and increases in algae in Pardee Reservoir, which have at times adversely affected water quality at the water treatment plant.

In addition, EBMUD is proposing to construct the Leland Pumping Plant No. 2 at the Walnut Creek WTP to correct hydraulic problems in Leland Pressure Zone. These hydraulic problems were being studied as part of EBMUD's district wide pressure zone master planning study, which concluded in 2005 when the Walnut Creek Water Treatment Plant Improvements Project was being constructed. The result of the Leland Pressure Zone Planning Study was the recommendation to isolate the Leland Pressure Zone from the Danville Pumping Plant (and Danville Pressure Zone), so that pumping plant demands would no longer adversely affect water storage and water pressure within the Leland Pressure Zone. The new Leland Pumping Plant No. 2 would isolate the Leland Pressure Zone from the water treatment plant clearwell and the Danville Pumping Plant. Most of the City of Walnut is served by the Leland Pressure Zone and the City would be the primary beneficiary of the new Leland Pumping Plant No. 2.

WC-59 Section 2.6.13 of the DEIR (p. 2-86) describes the need for both Leland Reservoir Replacement and New Leland Pressure Zone Reservoir. The New Leland Pressure Zone Reservoir is required to provide water storage for the pressure zone while the existing Leland Reservoir is decommissioned and reconstructed (expected to take two years). Seismic reliability and the alleviation of pressure zone level of service issues were also considered in the site selection process as having storage in two separate locations is hydraulically and operationally more efficient and usually handles both planned maintenance outages and emergencies more reliably.

WC-60 Table 2-1 on DEIR p. 2-2 identifies which WTTIP projects are analyzed at a project-level and which are analyzed at a program level. Refer to Section 2.1.1, Master Response on Program- and Project-Level Distinctions for a discussion of project and program level analysis. DEIR Tables 2-6, 2-8, and 2-9 provide the schedules for the WTTIP projects. All projects analyzed at a program level in this Response to Comments document would undergo future project-level CEQA review if they are deemed necessary in the future.

WC-61 The new Leland Pumping Plant No. 2 would be built adjacent to the recently constructed backwash water treatment system near the site's northern edge. Given its comparable scale and proximity to existing facilities, the presence of the new pumping plant would not substantially alter the general appearance of the northern side of the Walnut Creek WTP site. Implementation of Measures 3.3-2a through 3.3-2c would reduce the visual impact to a less-than-significant level. Constructing the pumping plant underground is not required.

WC-62 The District acknowledges that the City of Walnut Creek is a landowner of important open space and that the District would need to obtain permission from Walnut Creek for any temporary use of the Sugar Loaf Open Space.

WC-63 Implementation of the WTTIP would require pipeline construction in Walnut Creek at two locations: Lacassie Avenue and Rudgear Road. For the Leland Isolation Pipeline and Bypass Valves project, a 700-foot-long section of 24-inch-diameter pipe would be installed in Lacassie Avenue. The pipe must connect to existing pipelines located at shallow depth. Consequently, the logical construction method for this pipe segment is open trench. As stated on DEIR p.2-36 and in Measure 3.1-8 (DEIR p.3.8-14), truck trips would be scheduled between 9:00 a.m. and 4:00 p.m. and outside commute hours to the extent feasible. The New Leland Pressure Zone Reservoir inlet/outlet pipeline as currently proposed would cross Rudgear Road near I-680. That roadway crossing would be tunneled via bore-and-jack construction.

Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.

WC-64 See **Responses WC-49** to **WC-54**. Each of these requirements has been examined and addressed.

WC-65 Refer to **Response WC-15** regarding evaluation of impacts to views from implementation of the New Leland Pressure Zone Reservoir.

WC-66 Refer to **Response WC-22** regarding evaluation of traffic-related impacts from implementation of the New Leland Pressure Zone Reservoir.

WC-67 The New Leland Pressure Zone Reservoir is included in the discussion of Program-Level projects on DEIR p. 3.4-35 (refer also to **Response WC-16**). As mentioned in this discussion, this proposed program level element includes inclined areas that may be susceptible to slope failure and provides mitigation to respond to this potential impact. As stated in the DEIR, slope stabilization measures could include slope terracing, fill compaction, soil reinforcement, surface and subsurface drainage improvements, engineered retaining walls, buttresses, and erosion control measures (e.g. revegetation plans).